

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EASTERN DISTRICT OF MASSACHUSETTS CIVIL ACTION NO. 04-11573RWZ

ANTHONY P. SCAPICCHIO, M.D.,)
Plaintiff,)
)
v.)
)
MOUNT AUBURN PROFESSIONAL)
SERVICES, a Massachusetts non-)
profit corporation, MOUNT AUBURN)
HOSPITAL, a hospital incorporated)
in Massachusetts, for itself and as)
administrator of the Mount Auburn)
Hospital RetirementPlus 403(b))
Plan, and THOMAS FABIANO,)
Defendants.)

NOTICE OF APPEAL OF PLAINTIFF ANTHONY P. SCAPICCHIO, M.D.
TO THE FIRST CIRCUIT COURT OF APPEALS FROM THE AUGUST 9, 2005
ENTRY OF JUDGMENT IN FAVOR OF THE DEFENDANTS

Notice is hereby given that the Plaintiff in the above-captioned matter, Anthony P. Scapicchio, M.D., hereby appeals to the United States Court of Appeals for the First Circuit from the final judgment, entered by the District Court on August 9, 2005, in favor of the Defendants Mount Auburn Professional Services, Mount Auburn Hospital, and Thomas Fabiano.

Respectfully submitted,
ANTHONY P. SCAPICCHIO, M.D.
By his attorney,

/s/ John S. Day

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Date: September 7, 2005

CERTIFICATE OF SERVICE

I, John S. Day, hereby certify that on the 7th day of September, 2005, I caused a copy of the foregoing to be served, by electronic filing and by first class mail, postage prepaid, upon Philip M. Cronin, Peabody & Arnold, 30 Rowes Wharf, 6th Floor, Boston, Massachusetts 02110.

/s/ John S. Day

John S. Day